

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:
THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**This filing relates to the
Commonwealth, HTA and ERS.**

**REPLY OF THE COMMONWEALTH OF PUERTO RICO, PUERTO RICO
HIGHWAYS AND TRANSPORTATION AUTHORITY, AND EMPLOYEES
RETIREMENT SYSTEM OF THE GOVERNMENT OF THE COMMONWEALTH OF
PUERTO RICO TO RESPONSE FILED BY REYES PAGAN PAGAN [ECF NO. 10329]
TO THE ONE HUNDRED FOURTEENTH OMNIBUS OBJECTION (NON-
SUBSTANTIVE) TO DEFICIENT CLAIMS ASSERTING INTERESTS BASED UPON
UNSPECIFIED PUERTO RICO STATUTES**

To the Honorable United States District Judge Laura Taylor Swain:

The Commonwealth of Puerto Rico (“Commonwealth”), Puerto Rico Highways and Transportation Authority (“HTA”), and Employees Retirement System for the Government of the Commonwealth of Puerto Rico (“ERS”, and together with the Commonwealth and HTA, the

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”, and together with the Commonwealth, COFINA, HTA, ERS, and PREPA, the “Debtors”) (Bankruptcy Case No. 19-BK-5532-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

“Debtors”) by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the representative of the Debtors pursuant to Section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² files this reply (the “Reply”) to the response [ECF No. 10329] (the “Response”) filed by claimant Reyes Pagan Pagan (“Claimant”) in response to the *One Hundred Fourteenth Omnibus Objection (Non-Substantive) of the Commonwealth of Puerto Rico, Puerto Rico Highways and Transportation Authority, and Employees Retirement System for the Government of the Commonwealth of Puerto Rico to Deficient Claims Asserting Interests Based Upon Unspecified Puerto Rico Statutes* [ECF No. 9564] (the “One Hundred Fourteenth Omnibus Objection”). In support of this Reply, the Debtors respectfully represent as follows:

1. On December 12, 2019, the Commonwealth filed the One Hundred Fourteenth Omnibus Objection, seeking to disallow certain proofs of claim that failed to comply with the applicable rules for filing a claim by not providing a basis for asserting a claim against the Commonwealth, HTA, ERS, or any other Title III Debtor (collectively, the “Deficient Claims”), each as listed on Exhibit A thereto. As set forth in the One Hundred Fourteenth Omnibus Objection and supporting exhibits thereto, each of the Deficient Claims purport to be based on obligations owed to the applicable claimant by the Commonwealth, HTA, or ERS, but failed to provide any information identifying the source of the obligations or explaining why the Commonwealth, HTA, ERS, or any other Title III Debtor are liable to the claimant.

2. Any party who disputed the One Hundred Fourteenth Omnibus Objection was required to file a response by 4:00 p.m. (Atlantic Standard Time) on January 14, 2020, in

² PROMESA is codified at 48 U.S.C. §§ 2101–2241.

accordance with the Court-approved notice attached to the One Hundred Fourteenth Omnibus Objection as Exhibit C, which was served in English and Spanish on the individual creditors subject to the One Hundred Fourteenth Omnibus Objection, the U.S. Trustee, and the Master Service List (as defined in the *Tenth Amended Case Management Order* [ECF No. 8027-1]). *See Certificate of Service* [ECF No. 9621].

3. The Response was filed with the Court on January 22, 2020, and docketed as ECF No. 10329 on January 23, 2020. Therein, Claimant does not dispute that his proof of claim, which was filed against the Commonwealth on May 15, 2018, and logged by Prime Clerk as Proof of Claim No. 20288 (the “Claim”), purports to be based on a law described as “Romerazo,” but does not provide basic information required to evaluate the Claim, such as the number of the law, the year the law was passed, or an explanation of how the law might give rise to liabilities owed to Claimant. Instead, the Response consists of a signed copy of a notice of defective pleading, as well as a signed copy of a portion of the One Hundred Fourteenth Omnibus Objection.

4. By order dated January 24, 2020 [ECF No. 10378], the Court, *inter alia*, adjourned the hearing on the One Hundred Fourteenth Omnibus Objection as to the Claim until March 4, 2020, and directed counsel for the Debtors to meet and confer with Claimant. By email dated January 25, 2020, counsel for the Oversight Board contacted Claimant to inform Claimant that the hearing on the One Hundred Fourteenth Omnibus Objection as to the Claim had been adjourned to March 4, 2020, and to initiate the meet and confer process. To date, however, Claimant has not provided the information necessary for the Debtors to evaluate the Claim.

5. Because the Claim remains deficient, the Commonwealth respectfully requests that the Court grant the One Hundred Fourteenth Omnibus Objection and disallow the Claim in its entirety.

Dated: February 26, 2020
San Juan, Puerto Rico

Respectfully submitted,

/s/ Hermann D. Bauer

Hermann D. Bauer

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